

Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW
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January 28, 1991
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One of Seven Who Failed: The Careers Day Aftermath

by Michael Kleinman, BCL III

For 1st-year McGill law student Scotty Stevenson, the new year has started miserably. Stevenson, who hails from a small town in northern Florida, went home over the Christmas break. On December 31st, while trimming his nostril hairs and cutting his toenails, anticipating the neighbourhood bash at Peter's Hog House, Scotty explained to his doting mother that of his five exams, he thought he «aced» only one - Constitutional Law.

Back in Montréal, Scotty (whose acquaintances refer to him simply as «Scotty») participated in some sort of Quiet Revolution and refused to attend

classes on the first two days of the semester. Scotty became rather indignant when asked to comment: «Well, how do you explain the administration's decision to start the semester on a Thursday?» [This writer was hard-pressed for an answer; instead, I told Scotty about the first Friday of the semester, when I was stupid enough to show up for an 8:30 class - the professor, apparently, had joined the revolution as well.]

In any event, Scotty tried to settle down and choose his courses. He expressed relief at no longer having to worry about arcane «Drop 2, Add 1» rules, but seemed rather perplexed when the «MARS lady» ignored his repeated requests for a date.

Just in case, he confided in his Law Partner (who later revealed) that he was going to phone back once more and ask her to press «1» if she wanted to go to the movies, «2» for billiards and cappuccino, or «3» if she was willing to accompany him to Chancellor Day Hall because he really, really wanted to check his marks. Rumour has it that the «Mars lady» touched «3», but when the paramedics scraped Scotty off the floor in the «Pit», she was nowhere to be seen.

Scotty Stevenson strode confidently into the faculty, remembering which door to pull and which to push. After only three tries (a personal best), Scotty went downstairs and looked. The Result? One

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The Russia House: Unselfish, Mature Love

by James Hughes, BCL III

Sean Connery, the personification of the Cold Warrior during his days as Bond, James Bond, has made a bundle recently in what may be the industry's final two Cold War movies (barring re-stanilization due to the Baltic uprising).

The Hunt for Red October, where Connery played a defecting Russian submarine captain, was reviewed in the Quid last year. In the Russia House, Connery moves away from the extroverted heroic roles he played as

Bond and the Red October commander to rather reflect the rise of the common man after the fall of the Iron Curtain.

Based on the John Le Carré novel of the same title, The Russia House sees Connery as Barley Blair, a British publisher specializing in Russian literature. At a Soviet writer's retreat, Barley meets the Soviet scientist «Dante» who wishes to cleanse his soul by publishing in the West the fact of the Soviet military's impotence.

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ANNOUNCEMENTS ANNONCES

LEGAL INFORMATION CLINIC - SUMMER EMPLOYMENT

OPPORTUNITIES: The McGill Legal Information Clinic/Clinique d'information juridique de McGill is seeking interested law students to fill the position of Executive Director and the four Associate Director positions for 1991-92. The term of office is May 1st 1991 to May 1st 1992. The work is full-time during the summer and part-time throughout the Fall and Winter terms. Only law students who have worked at the Clinic for two terms by the end of this semester are eligible. For details on remuneration, application and interview procedures, etc..., pick up an application/information sheet from the Clinic's Office in the Union building. The DEADLINE for applications is 5:00 p.m., February 6th. Bonne chance!

THE SCARLET KEY SOCIETY - The Society recognizes those persons who have made an outstanding contribution to the student community at McGill. Think you're deserving? See Bram for an application package. Deadline is Feb. 15 1991.

ST. THOMAS MORE SOCIETY - The Thomas More discussion group meets 4 or 5 times a term to talk about issues touching on spiritual values and the study and practice of law. We are very informal, and I think we have some pretty interesting discussions. Our next meeting will be on January 30th at 1:00 p.m. in room 201. The focus of this discussion will be a chapter out of Michael Ignatieff's *The Needs of Strangers*. The reading is available from Jon Quaglia, BCL III - 769-2120.

AIDS FORUM - The McGill AIDS Centre will hold a question and answer period which will be chaired by Dr. Norbert Gilmore of the McGill Centre of Medicine, Ethics and Law and the Montréal Chest Hospital, Dr. Chris Tsoukas of the Montréal General Hospital, Mr. Bill Ryan of Ville Marie Social Services and Messrs. Kalpesh Oza and Gregory Rowe of CPAVIH (Comité des personnes atteintes du virus de l'immuno-déficience humaine), on Wednesday, January 30th from 5:00 p.m. to 6:30 p.m., in room S-14 of the Stewart Biology Building, 1205 Dr. Penfield (Ground Floor).

FORUM NATIONAL - Doug Christie, the lawyer who represented Ernst Zundel and James Keegstra will address the Faculty on Wed., January 30th, 1991 in Moot Court at Noon. Don't be late!

BOOKSTORE - Permanent bookstore hours are: Tuesday: 10-12; Thursday: 12-2.

PROGRAMME DE FORMATION PROFESSIONNELLE DU BARREAU DU QUÉBEC - Des représentants de la Formation

professionnelle du Barreau du Québec rencontreront les étudiants qui envisagent de faire leur barreau et répondront à leurs questions sur le programme de Formation professionnelle, le **lundi 4 février à 12h, dans la salle 102**. Information will also be provided regarding an intensive Summer Bar Training Program.

LEGAL THEORY WORKSHOPS - Prof. Kim Scheppele (Michigan) will deliver a lecture on the topic of: «Judging consent of the politically disadvantaged» on February 1st, at Noon, in room 202.

JOBS JOBS JOBS - The Montréal firm of Lafleur, Brown, De Grandpré, Kronstrom will conduct interviews in the Faculty for a summer position in 1992, on February 4th, 1991. Les étudiant(e)s qui recevront leur diplôme en 1992 sont invité(e)s à faire parvenir un C.V. et un relevé de notes au bureau des admissions avant le mercredi 30 janvier, à 15 heures. Me Bernard Amyot will then call candidates to set an interview time.

RESEARCH ASSISTANT REQUIRED - Prof. Harvison Young is looking for a student who can help her with the last stages of a paper on judicial review and the Canadian Human Rights Commission. This will involve a few hours of work per week during the term, particularly during the first half of the term, and possibly some after exams. Students should have taken (or presently be taking) either Administrative Process of Judicial Review. Those interested should send a letter and C.V. outlining their qualifications to Prof. Harvison Young before February 1st, 1991. For further information, please contact Prof. Harvison Young at 398-6636.

LAWYERS FOR SOCIAL RESPONSIBILITY (L.S.R.) UPDATE - (1) LSR has invited Me. François Guibault, legal advisor for the Immigration & Refugee Board, to speak about his work at the IRB. He will be at the faculty on February 6th, at 12:00 in room 200. All are welcome to attend. (2) LSR has casebooks on *Peace Law* from the University of San Francisco. The subjects include «litigation to raise peace law issues», «United States Policy in Nicaragua» and «Vietnam: The Role of the United Nations» and «Limiting Nuclear Weapons». We bought the casebooks with the intention of donating them to the library, but they have refused our offer because library space is limited. However, if any students would like to borrow and read the casebook, they may contact Karen Cadham (524-7111) or leave a message in the LSR box. (3) Last November, Adrien Wing, Professor of International Law at the University of Iowa, visited McGill at the invitation of LSR. She presented a very interesting talk on «The Law of the Intifada» which was heard by a very small group of students. For those who are interested in reading her paper, please contact Bediako Buahene, LLB I, or leave a message in the LSR box. (4) LSR is currently planning a forum for discussion on the gulf war. It is tentatively scheduled for February 20th in the Moot Court.

COIN DES SPORTS CORNER:

Ball Hockey: The *Law Leafs* are back and in rare form. In their first regular season game, the *Leafs* whisked past their feeble opponents 7-3, with the aid of hat tricks from Seth «Pecs» Dalfen and Steven «Golden Boy» Lloyd. The final mark was settled by that crunch and grinder, «Jordo». Phenomenal defense by Marty S. and goaltending by rookie Dan P. kept the game in check while the G-man squad sucked wind - where are the rest of you guys?

Basketball: To the chants of «Repeat, Repeat», the roundball machine of *Jane's Memory* pumped in buckets from all 10 of its players. Veteran, now barschooler, Dave Butz marked his return to the court by dominating the paint and leading all scorers with 12 points. Jordo, Freedom, Strati and Buzz all netted 6 to 8 and big man Dirk B. showed his rookie flex. Bring on the mug.

Team captains: The best way to have your highlights in the Coin des SPORTS Corner is to call Lori 284-4824 or drop off your scores before 12:00 (Noon) Mondays.

COMPUTER EXPO - When? January 30th and 31st, from 10:00 am - 6:30 p. COOP McGill will be holding a Computer Expo for all the students and staff of McGill University. Where? The Student Union Ballroom. 3480 McTavish. FREE ADMISSION.

ATTENTION LES FINISSANTS/GRADUATING STUDENTS!!!

Details for the Graduation Ball have been finalized. The Ball will be held on May 2nd in the Ballroom of the Faculty Club. Tickets will be \$50 per person and will include a full course meal along with champagne and hors-d'oeuvres as well as wine with dinner. A McGill quartet and a disc jockey will provide the entertainment. Stay tuned for details.

CHANGES IN THE LAW LIBRARY, 1991

by Adèle Toutant, Barcoding Coordinator for the Law Library

As part of the McGill Libraries' ongoing automation project, the Law Library of McGill University is planning to offer its patrons fully automated circulation services for the Fall 1991 term. In addition, we look forward to offering you access via Muse to the Law Library's monograph and serials collections, in both Cutter and Library of Congress classifications, by June 1991. In order to realize these objectives, several changes will be made to the Law Library collection in the months ahead. Here is an outline of some of the changes you can expect to happen. Please rest assured that it is our intention to minimize the disruption.

SHIFTING OF THE LIBRARY OF CONGRESS COLLECTION

Because the Library of Congress portion of the collection is ever growing, it has been decided to shift it from the 3rd floor to the 6th floor, where there is more room for expansion. The shifting has already started, and should be complete by mid-May. The Cutter books from A to JZ, now on the 6th floor, will gradually be shifted to the 3rd floor. Signs will be posted in the Library, and written on the chalk board near the Circulation Desk, to keep you up to date as to where the books caught in the shift can be located. When in doubt, please ask either the Circulation staff or the Reference Librarian.

RECLASSIFYING OF MONOGRAPHS FROM CUTTER TO LIBRARY OF CONGRESS

Another important change involves the reclassifying of certain sections of the Law Library collection from Cutter to Library of Congress. This reclassification, which will take place from February to April 1991, is part of the

Law Library's ongoing commitment to unify the collection under one classification system, namely Library of Congress. For the time being, the sections most affected will be the Cutter A-JZ ranges, currently on the sixth floor, of which a significant portion will be reclassified to Library of Congress A-JZ (11,000 Cutter titles have been earmarked for reclassification).

In practical terms, this means that some parts of the Cutter collection will be unavailable for a short time while the books are being relabelled with their new call numbers. The relabelled books will then be shelved with the Library of Congress books, newly located on the 6th floor. There will be an interval of about 2 months during which the affected Cutter books will be listed under their old Cutter numbers in the card catalogue, but shelved at their new Library of Congress numbers. If the book you are looking for is classified under the Cutter system from A to JZ and is not in the Cutter section of the stacks, please ask the Circulation Desk staff, of the Reference Librarian, for assistance. They will be able to give you the new Library of Congress call number, or otherwise locate the book for you.

LAW LIBRARY HOLDINGS AVAILABLE ON MUSE

By June 1991, Muse should contain records for the entire Law Library collection (at their proper call number), with the exception of government documents, pamphlet files, and the Temporary Reserves collections (such as exams, some casebooks, photocopies of articles, etc.) Once Muse is up to date, the Card Catalogue in the Law Library will serve to locate only government documents and pamphlets. Temporary Reserves items can be found in the Reserves lists.

BARCODING OF THE COLLECTION

In order to allow automated circulation of the Law Library's collection, every book in the Library having a record in Muse must be barcoded. The barcoding project has been tentatively scheduled for July 1991, and should take about 3 to 4 weeks. It is expected that sections of the Library will be closed off for relatively short periods of time while work is being done.

THE IMPORTANCE OF HAVING A CHEERFUL DISPOSITION

We are only too aware that there will be inconveniences affecting both the library patrons and the staff during the coming months. We will endeavour to give everyone all the assistance possible to minimize the confusion caused by such sweeping changes. Your patience will be well rewarded: our borrowing procedures will be simpler and faster, the Muse database will list the contents of practically the entire Law Library collection, and we will be one step closer to offering you a uniform shelving arrangement, the Library of Congress system. With a little understanding and cooperation on our parts, this will be a great success!

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Moral Dilemma:

Submissions will be considered for publication in the 1990-1991 edition of Res Ipsa Loquitur. Deadline: January 28, 1991.

«A distraught man comes into your office seeking advice on a complex personal injury matter. The client had hired another lawyer who badly bungled the file. Indeed, it seems the other lawyer also had taken advantage of the client - secretly investing his savings in a housing project owned by the lawyer. Clearly, the client has a negligence claim. But the client refuses to sue and only wants you to act on his injury claim. Question: Should you inform the law society of the other lawyer's actions?»

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Can one have a legal career and a family?

by Kirsten Hillman, LLB II

On Wednesday, January 9th, at noon, this was the question being canvassed in room 202 and judging from the impressive attendance this is a question of interest in the faculty. The Careers Day Committee, in conjunction with Women and the Law, hosted a discussion with Anne Leydet, an ex-associate with Ogilvy Renault, and Steve McInnis, an associate with Robinson Sheppard.

As is to be expected, those of us who found ourselves in room 202 did not leave that day with a simple and clear answer. Our guests told of their personal experiences. They discussed the tensions that are involved in balancing a legal career and family life. The two (often competing) factors involved in this balancing process are an individual's personal expectations regarding a satisfying career and a fulfilling family life, and the way in which each individual balances these factors is intensely personal.

Mr. McInnis took an «unofficial» parental leave for six months when his daughter was born. Six years ago, when she had her first child, Anne Leydet was the first lawyer at her firm to take a paid parental leave. Both speakers agreed that even if there are mechanisms in a firm which allow a person to take a «reasonable» amount of time off, the problem of conflicts between parental and professional life are far from being solved.

A child's needs continue to exist after six months. Even if child care is put in the hands of nannies or day care centers, situations arise when these people are either not available or unable to deal with a problem that comes up. A working parent's schedule is disrupted. Although there are people that can be hired to look after one's children around the clock,

some parents do not want to relinquish all parenting duties. Mr McInnis told of how after being able to participate fully in the daily life of his daughter for six months, he very much regrets missing some of the «firsts» that she experiences while he is at the office. Ms. Leydet made what she called «a very personal decision» when she left Ogilvy Renault and accepted a position that gives her a more flexible schedule. All working parents must decide how best to balance the time that they spend with their children against the impact that this «parenting time» has on their professional life.

The speakers went on to say that the attitudes of the profession will greatly influence how this balance is struck. They both feel that in the legal profession it is still marginal to lessen career duties in order to raise a family. It is not enough for the official policies of the firm to change if the mentality of the profession, and the demands made on a lawyer, remain the same. Both guests agreed that official part time work programs, or simply choosing to lessen one's personal work load, are not viable solutions because the nature of the work within a firm today does not lend itself to anything less than a full time commitment. Those wanting to spend a certain amount of time raising their children may find that they are unable to do so because of pressure within the firm. Mr McInnis also added that structured part-time programs, which are mostly undertaken by women, are detrimental because they perpetuate the stereotype of women as being those responsible for child care.

Must a choice be made between a strong career at a law firm and a strong family life? Is a balance possible? Can both be done well at the same time? One of the speakers stressed how professional decisions must be made as we move along on our career, that personal choices change as our lives and goals change. But what about the «Professional Mentality», how does it change and who should take responsibility for changing it? One

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The Faculty needs a part-time program

by Rosemary Hnatiuk, LLB III

Is it possible to combine law school with having a family? Why of course! A man with a wife at home caring for the children should encounter few problems. A woman with a full-time house-husband (a much rarer phenomenon) should survive as well. But what about a woman whose spouse/companion can't/won't devote a substantial portion of his (her?) energy to "the family"? And what about the single mother (or father, though again, he is a rarer phenomenon and tends to be financially better off than his female counterpart)? These people are among us, but they suffer in a way that the "average" law student does not. Is it mere coincidence that it is the mother of a small infant that faints during an exam? Or that a single mother collapses from physical and emotional exhaustion after final exams in first year, and is unable to complete her remaining assignment which has been graciously deferred till one week after her last exam? (And then is told that she is somehow deficient because this happened. "One has to make sacrifices when one goes to law school!") Does that include sacrificing the well-being of one's children?

I consider myself to be very privileged as a student at this faculty. Because I happen to be a transfer student and am getting my LLB from the University of Manitoba, I am able to go half-time. (My child was born in the middle of my second year of law school.) In the mid-70's, the U. of Man. instituted a half-time program in response to a government-sponsored report indicating that higher education needed to be made more accessible. Significantly, since that time it has been women who have primarily taken advantage of this program, at a rate of two women for every man. In the two years that I attended the U. of Man., all the half-time students were women with small children, therefore I assume that

«family commitments» was one of the most frequently invoked criteria for admission to the program.

Besides this, the program was designed to enable people who, due to «health concerns, financial necessity, or special occupational involvement» could not manage full time law school. Nevertheless, one has to be eligible for admission to law school on the basis of one's academic performance, the same as regular applicants. The program is literally half-time, meaning that half a course load is taken per year. Ergo it takes 6 years to finish, but one can switch from part to full time (or vice versa). There are also plans to introduce an «accelerator» option, so that one could finish in 5 years instead of 6.

Up to 5 half-time students can be admitted to any first year class (i.e. there can be up to 10 in any given 1st, 2nd or 3rd year class). This may seem low, but in fact the program is under-utilized. There are a number of possible reasons for this: How many people want to prolong the agony of law school for 6 years? Who can afford to? You can't really have a job at the same time, because classes are all during the day. The rigidity of the program makes it less adaptable to the specificities of the lives of prospective non-full time applicants.

The program nevertheless does provide an important option to those who can take advantage of it. More and more law schools across Canada have adopted half-time programs or are considering doing so. At the U. of T., a half-time program has been in place for 3 years. This academic year is the first time they have had anyone actually apply. Initially the program did not allow first-year students to go half-time. This was a concession to the «purists» in the faculty who believe there is something magical about first year, the smelter in which prospective lawyers (the priesthood), are either made or broken. If you can't take it, you won't make a good lawyer, the logic goes. Of course this is just a

rationalization for de facto systemic discrimination. Surviving your first year of law school has as much to do with the structure of your personal life as it does with your intellectual ability. A twenty year old with no other responsibilities besides law school (e.g. living at home, with meals, laundry, rent, etc..., taken care of) is not «similarly situated» to a single mother (thank goodness the grandparents take the kid every weekend, and the neighbours don't mind another child «visiting» in the evenings, and housework can wait to a point). Certain types of people are effectively excluded or purged from the ranks of lawyers by the smelter concept of law school, people whose life experience would make them especially suited to being good advocates, and ironically it may be just those experiences which are the cause of their expurgation.

Many express surprise that McGill does not have a half-time program in law. It would seem that there is some resistance at the level of the Bar, but it is not clear what the exact rationale is. The University of Montréal and UQAM both have a species of part time whereby law courses taken in Adult Education can be applied to a later law degree. A committee of Women and the Law at McGill is looking into the possibility of instituting a half or part-time program here. We will be circulating a petition in the very near future to gather evidence of student support. Besides that, if anyone has any ideas, thoughts, concerns on the matter, please contact Rosemary (273-8412), Kirsten (845-8513) or Mitch (848-6338), or leave a note in the Women and the Law mailbox in the LSA office.

...Law and Family...

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student suggested that as more women become partners in firms the profession will become more sensitized to family issues. Whether you are a parent or not and whether or not you ever intend to be one, family issues are everybody's concern: woman, man, partner, associate, student. The raising of the children of this country concerns us all.

One of Seven...

Con't from p. 1

«B+», Three «B»s and - horror of horrors - an «F» - Constitutional Law! Scott could not believe his eyes and declared, at least initially, that he would dissociate himself entirely from his grade, and that if his professor insisted, then the Dean would have to drive the message home personally - over Scott's dead body (figuratively speaking, of course).

Scotty was crushed, but there was nothing he could do. Besides, the student newspaper had asked him to research a piece on the whereabouts of a certain «D. Klinck» who had escaped from a McGill legal institution and headed east, leaving approximately 70 Equity and Trusts students in a bind. Klinck apologized profusely prior to his sudden departure and has promised to apologize more often in the future.

Stevenson buckled down and worked at a feverish pace. By Careers Day, he was ahead in all his courses. Unidentified sources have confirmed that Scotty has been seen consulting «several» or «more than one» Quashnock summaries simultaneously. It is said that Scotty got his outlandish idea when he overheard a Cool Monsoon singing «We Didn't Read the Casebook» in the washroom. After familiarizing himself with Peter Hoffman's «Guide», Scotty dabbed some cologne behind his ears and went job hunting.

The ensuing period is a hazy one for all concerned. Scott landed a job with a prestigious firm in Tallahassee, Florida - not far from his parents' place. Scotty rapidly became one of the hardest working summer clerks that Marks, Chevrolette had ever hired. Absorbed in his work, Scotty became somewhat of a recluse. Not much had been heard from him until recently, when this story appeared in the North Florida Bar Association's (N.F.B.A.) weekly publication.

«Scotty Stevenson, a research gopher at Marks, Chevrolette, was institutionalized by state mental health authorities last week when he was found laughing uncontrollably in the local Land Registry Office. Stevenson had been asked by senior partner Fayling Marks to draft an important speech which Marks was to give at the N.F.B.A.'s annual meeting, entitled «Legal Ethics, Billable Hours and You». Marks told Stevenson that he had only 30 hours to prepare and type the speech. Stevenson realized, however, that it was his anniversary and he had plans to see *Les Misérables*. Marks insisted that he saw no obstacle whatsoever and that the speech was to be on his desk by Monday at 9 a.m. sharp -

no ifs, ands, or buts. «But, sir...» «Monday morning. Thank you, that is all.» Practically in tears, Scotty promised to make it up to his wife. After 30 hours of careful, painstaking legal research and writing, the speech was neatly typed and placed on Mark's desk. On Monday, Marks waltzed into the office at 4 pm, slipped the speech into his briefcase, and hurried over to the golf course, hoping to finish the front nine before delivering his speech to some two thousand attorneys. Marks had not even glanced cursorily at the text as he approached the podium. The speech went superbly; Stevenson had crafted an excellent piece which rose and fell from one legal crescendo to the next, mesmerizing the audience with the pros and cons of alternative practice management theories as they relate to modern legal ethics and a fast-paced career in the law. Marks practically shouted the bottom paragraph on the next-to-last page: «And so, ladies and gentlemen, it is only with a great deal of reflection and study that we may draw our own conclusions about this terribly important, pressing matter. In sum, may I say that in my own practice, and from a personal point of view, the best way to solve the majority of problems facing the legal profession today are...». Marks flipped the page, flashed a gallant smile at his audience, and stared at the bold, capital letters on the page: «IMPROVISE YOU SONOFABITCH».»

Russia House...

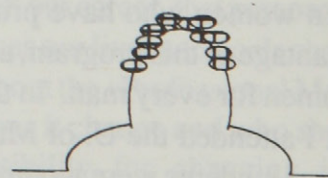
Con't from p. 1

Dante uses his beautiful friend «Katya» (played by the mystical Michelle Pfeiffer) to get information to Barley. In the meantime, the CIA and British Intelligence, scared that the information may be planted and purposely leaked, convince Barley to investigate Dante's ballistic findings by having the latter answer a series of questions about the USSR's offensive capacity. However, should the questionnaire fall into the hands of the soviet authorities, a huge dividend would accrue to the communists.

It takes a great deal of time to reach this point of intrigue and, though the photography of Leningrad is spectacular, one can't help but glance down at one's watch from time to time.

The highlight of the film is certainly the lovely relationship that builds throughout the film between Connery and Pfeiffer. The former, brash yet subtle, cynical yet principled, is confronted by a woman who wants desperately to open her heart to him but initially finds it not «convenient». When both realize that they have only each other to count on, the stage is set for the illustration of a love in which an audience only rarely gets the chance to participate.

Don't go to this movie expecting rolling cars and SCUD technology. We're a generation that has come to depend on those accelerated, unreflective plots that are as predictable as they are expensive. Rather, expect interesting dialogue, a script that forces you to think, and characters that evolve from the ordinary to the heroic.



GREEN SPACE: ENVIRONMENTAL LAW MEANS BUSINESS

By Diana Torrens, BCL III

This week's Green Space article is addressed to those of you headed for corner offices in those gleaming towers downtown. Actually, it is pertinent for anyone who will eventually be in the position of advising a business, and that includes just about all of us in this faculty.

Environment-related issues may be far from your mind. "Let the beatniks worry about that" may be your attitude. Be forewarned, however, that the long arm of the law is now reaching into the business sector, and smart businesspeople are taking heed.

Acquiring information on environmental laws, planning activity to comply with the laws, and taking steps to ensure that processes and procedures do not lead to environmental risk are today both a mandatory and prudent cost of doing business. Additionally, case-law has made it clear that there is no longer a basis for asserting that the cost of protecting the environment is too high or that it will force a company out of business. The welfare of the environment involves a public trust that cannot be breached by any one person or business.

Environment protection legislation has been enacted in all the provinces and by the federal government as well. The result is a labyrinth of intricate laws and regulations coming from two levels of government at once, breach of either of which can land a company in serious legal trouble, in addition to attracting unfavourable media attention. Environmental laws, their application, and their enforcement has special significance for business, since it is the industrialists, manufacturers, transporters, carriers (and, not insignificantly, the companies that own

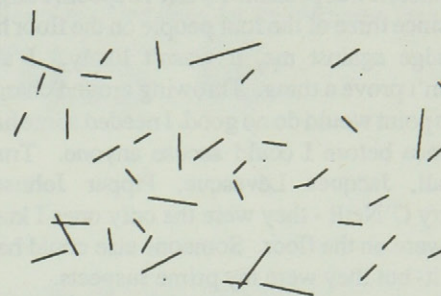
them) who are affected by the regulations, controls and prohibitions. A well-informed company is only as well-informed as its counsel.

It is therefore paramount as a company's lawyer to be aware of such things as environmental audits and assessments; public hearings (which can become particularly problematic for a company and even explosive in terms of public reaction); how to deal with government inspectors and other officials, in particular with respect to the company's rights regarding the disclosure of in-house company reports, which documents are protected by solicitor-client privilege, and so on.

Penalties under environmental legislation are tough, and they are getting tougher. In Ontario, for example, an individual can face fines on first convictions from \$200 to \$10,000 depending on the offence and on the subsequent convictions from \$4,000 to \$25,000. A corporation can be fined from \$2,000 to \$250,000 for a first conviction and \$4,000 to \$500,000 for subsequent convictions. And yes, directors or officers of a corporation are liable to conviction, regardless of whether the corporation has been prosecuted or convicted. The first prison sentence ever was handed down last summer, to the director of a corporation which had repeatedly violated Ontario's water protection laws. This has not yet been done in Quebec, but the courts have not been shy about using the Quebec Environment Quality Act in a heavy-handed manner.

At the federal level, the new Canadian Environmental Protection Act includes fines of up to \$1 million and a term of imprisonment of up to six months.

Moreover, the Law Reform Commission of Canada has called for amendments to the Criminal Code that would bring activities that adversely affect the environment within its scope.



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Fiction Feature: Summary Proceedings (Part II)

by Frank Tamburro, Nat. IV

My panic subsided. My Fenderbender summary had been stolen, sure, but I could get a Xerox from someone else. I was more concerned with who would steal something from me.

My name is Dan Wade. I'm a McGill Law Student.

Of course, it was possible I wasn't a specific target. But, since three of the four people on the floor had a grudge against me, it wasn't likely. I also couldn't prove a thing. Throwing around charges at this point would do no good. I needed some hard evidence before I could accuse anyone. Trudy McCall, Jacques Lévesque, Pipper Johnson, Thierry O'Neill - they were the only ones I knew who were on the floor. Someone else could have done it - but they were my prime suspects.

When I finished up studying for the day, I went home to my cold-water, second-floor walk-up. I spent the rest of the weekend mulling it over. Coffee and cigarettes were the fuel for my brain. No wonder I couldn't come up with a solid idea.

I decided to take a different tack. I would need some official help. Monday morning, after I stripped off my trenchcoat and hung up the fedora in my locker, I went to see the Bossman. The Top Dog. The Big Cheese. I stopped in to see Dean Jones, the guy who ran the faculty. No one knew if Dean was his name or his title. I dropped by his office. Ginger, the secretary, was filing her nails.

- Hi there, dollface.

She didn't look up. «Get lost, creep!». She had me pegged.

- Don't get wise with me, sweetheart. Just tell the head honcho I want to speak with him pronto.

I went into Jones' office. I had interrupted his accordion practice. «What do you want, Wade?». He wasn't long on pleasantries.

- Something's going on, Dean, and you should know about it.

- What is it?

- I had a summary stolen from me in the library.

- Is that all? Get out of here, I have more important things to worry about.

He gave a few pulls on his squeeze-box.

- Such as?

- Such as the major symposium on Civil Code revision scheduled for next week. I haven't even ordered the cocktail weenies yet.

He went back to his accordion.

I saw red. Something in my brain snapped. I jumped across the desk and grabbed him by the lapels. «You're a pathetic rube, Dean! People are getting ripped off in your faculty's own library and you can't even figure out that canapés are better than cocktail weenies!!!»

He grabbed my hands and pushed me away. He straightened his tie and jacket. «Get out of here! Now!!! I don't like you, Wade. You're a troublemaker, you're always putting your nose where it doesn't belong. Now go. And from now on, stay out of my way and I'll stay out of your face!»

He was no help. I'd have to crack this case on my own.

I kept a lookout on my prime suspects the rest of the day. None of them did anything remotely suspicious the whole day. Not even a knowing smile or self-satisfied glance in my direction. I was beginning to think I was on the wrong track. And if I didn't get off this track, I had a suspicion the Train Bound for Nowhere would run me over flatter than pancakes without maple syrup.

I talked to some people. Several had lost summaries. A few even thought they were stolen. Maybe I was going in an entirely wrong direction.

Another night turning it over in my mind did me no good. I was getting a whole lot of zero. It stayed on my mind constantly. Just before the Tuesday morning lecture in National Judicial Administrative Evidence Processes (NJAEP), Pipper Johnson spotted me. He was also in the class.

«What's up Wade?». The worry on my face was as obvious as ugly on a bulldog.

«Nothing big, Pipper. I just lost an NJAEP summary over the weekend.» I was distracted. Then I remembered that I should probably worry about passing the course, too. «Maybe you can help me out. Can I buy a copy of your summary.»

- Sure, just stop by my locker after the lecture. It's tough having a summary stolen a week before exams.

«You said it, pal». I was grateful, but my mind was still on the case.

While the professor droned on about adjudicative deconstructive matrices, or some such jazz, it all came to me in a flash! I should've seen it a lot earlier. But now it was time to crack it wide open!

I went to see Pipper at his locker right after the class. He was just getting there. «Pipper, I really

appreciate this. I think I really need some help to ace this exam... or at least not flunk out.»

He started dialing in the combination. «No problem, Wade. Always glad to help out if I can.»

I knew that. «Thanks a lot». It made what I had to do that much harder.

«Here we go», he said, as he finally opened the lock.

Then, I moved, catching him by surprise. I threw an elbow into his gut. Then I pushed him out of the way and he fell to the floor. I ripped open the locker. There was nothing on the shelves. I checked the books on the bottom. I spotted it, right at the bottom of everything else. I pulled it out. My Fenderbender summary! I was right.

«The jig is up, Pipper. I'm sorry it had to be you. I hope you're not hurt.» I helped him to his feet.

«No, Wade, I'm okay», he dusted himself off. «But how did you figure me out?»

«It wasn't easy», I explained. «At first, I thought it was personal, someone who had a grudge against me. So I figured it couldn't be you. Then, when I found other people had lost summaries, I figured it was someone who was desperate for high grades. That put you even further out of the running. I was about to give up when you made a big mistake. You knew my summary was stolen, but I never mentioned it to you. Still, it took some thinking before I could be sure it was you. I needed a motive. Then it hit me! In the library, you were wearing torn jeans. At first, I thought they were trendy. Then I realized they were just old. You needed the money, so you've been stealing summaries and then selling your own. You created the demand as well as the supply.»

«Well, can you blame me, Wade», he said with rising desperation. «What with chintzy loans and cheap bursaries from those government rubes, I couldn't get ahead. Besides, those Fenderbender summaries were killing me, I had to do something, don't you see, I had to...» He was losing his grip.

«Now don't do anything crazy, Pipper». I tried to calm him down. I grabbed his shoulders. He pulled away violently.

«Crazy is exactly what I need. When everyone finds out, I'll be disgraced. I have nothing left to live for. And I know exactly what I'm going to do». He was over the edge.

«You don't mean...»

«That's right, Wade, I'm going to... become a notary!!!». He was too far gone. There was nothing I could do to help him. What a waste.

THE END